

LABEL, IN PART: (Carton) "Smithies Prophylactics * * * manufactured by The Allied Latex Corp., East Newark, New Jersey."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess. The article was adulterated when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: March 19, 1952. The Allied Latex Corp. having executed an acceptance of service and an authorization for taking of a final decree, the court entered a decree of condemnation and destruction.

3735. Adulteration and misbranding of clinical thermometers. U. S. v. 205 Devices * * *. (F. D. C. No. 31963. Sample No. 26756-L.)

LABEL FILED: November 7, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about June 6, 1951, by the Dittmar Thermometer Co., from Hollis, N. Y.

PRODUCT: 205 *clinical thermometers* at San Francisco, Calif. Examination of 24 thermometers showed that 2 failed to meet the hard shaker test and 4 failed to give accurate readings. Five of the 24 were tested for pigment retention, and all five failed to meet this test.

LABEL, IN PART: (12-unit box) "Timico Clinical Thermometer Style Rectal."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the following statements appearing on the envelopes containing the thermometers were false and misleading since the article failed to meet the tests specified in Commercial Standard CS1-32, U. S. Department of Commerce, for hard shaker, pigment retention, and accurate readings: "This certifies that the thermometer bearing the above identification number has been tested and compared with standards verified by U. S. Government Bureau of Standards and found correct at this date within tolerances specified for accuracy in Commercial Standard CS1-32 U. S. Department of Commerce. This thermometer is guaranteed to be of absolute accuracy."

DISPOSITION: March 20, 1952. Default decree of condemnation and destruction.

DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

3736. Action to enjoin and restrain the interstate shipment of misbranded mineral tablets, B complex vitamins with iron tablets, and Mo Tee Na tablets. U. S. v. Nature's Mineral Food Co., Perry B. Smith, and Thornton B. Smith. Permanent injunction granted. (Inj. No. 234.)

COMPLAINT FILED: October 19, 1951, Southern District of Indiana, against the Nature's Mineral Food Co., a partnership, Indianapolis, Ind., and Perry B. Smith and Thornton B. Smith, partners in the partnership, alleging that the defendants had been introducing and delivering, and were continuing to introduce and deliver, for introduction into interstate commerce, *mineral tablets*, *B complex vitamins with iron tablets*, and *Mo Tee Na tablets* which were misbranded.

*See also Nos. 3722, 3735.

LABEL, IN PART: "The M. F. Co.'s Minerals 270 Tablets * * * Contains: Potassium Iodide, Calcium Phosphate, Calcium Carbonate, Sodium Phosphate, Iron Sulfate Exsiccated, Sodium Chloride (Iodized salt)"; "55 B Complex Vitamins With Iron * * * Contains Vitamin B₁, 1 mg. (thiamin chloride) Vitamin B₂, 0.5 mg. (riboflavin) Niacin, 5 mg. Sodium Iron Pyrophosphate, 0.4 gr. Yeast plus inert compounding ingredients"; and "Mo Tee Na * * * Net contents 100 Tablets * * * Active Ingredients: Calcium Succinate and Aspirin."

NATURE OF CHARGE: *Mineral tablets and B complex vitamins with iron tablets.* Misbranding, Section 502 (a), certain statements in the accompanying labeling of the articles, namely, in leaflets entitled "The M. F. Co.'s Vitamin B Complex" and "Mineral Supplement"; mimeographed sheets entitled "Nature's Minerals Vitamins," "Cochrane on the Ball," "Important," and "Dr. William Brady Says"; a mimeographed letter addressed "Good Morning Dear Friend"; and a card entitled "Supplement Your Mineral and Vitamin Diet," were false and misleading.

The statements represented and suggested that the articles would supply a universal need, and that they would be effective in reducing illness and increasing efficiency; in treating lack of resistance, loss of weight, congestion of blood, and weakness of muscles; in effecting normal nerve functioning, lactation, and reproduction and digestive actions; in preventing weakness of the legs, flabbiness of the heart muscles, and lowering of the body temperature; in maintaining health and strength; in fortifying the body against inroads of sickness; in antagonizing the aging process; in preventing a run-down condition; in correcting unnatural basic disorders that cause illness or disease regardless of their names; in making over physical wrecks, causing them to be happy, strong, free from stubborn suffering, pain and soreness of long duration, and able to sleep; in preventing the return of agonizing pain; in treating nervousness, stomach seeming to be tied up in a knot, insomnia, inability to work, and irritability; in treating patients helpless with rheumatism, suffering with indigestion and stomach trouble, or run-down generally; and in treating chronic rheumatism, hay fever, hives, sick headache, "nervous" headache, allergy, crumbling teeth, excessive tooth decay, recurring or chronic spinal curvature, growing pains, adult tetany (cramps in legs or arms at night), recurring chilblains, and watery "drip-drip" from the nose, with fits of sneezing which many Yankee wiseacres ascribe to imaginary sinusitis and which they think sounds better than "catarrh." The articles would not be effective for such purposes and conditions, and would not fulfill the promises of benefit stated and implied.

Mo Tee Na tablets. Misbranding, Section 502 (a), certain statements in the accompanying labeling of the article, namely, on the card entitled "Supplement Your Mineral and Vitamin Diet," were false and misleading. The statements represented and suggested that the article was adequate and effective in the cure, mitigation, and treatment of aches and pains of all types, misery, arthritis, and neuritis, and that it would enable one to enjoy life in the daytime and sleep well at night. The article was not adequate and effective in the cure, mitigation, and treatment of the conditions stated and implied.

The *mineral tablets* and the *B complex vitamins with iron tablets* were alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: November 21, 1951. The defendants having consented to the entry of a decree, the court issued a permanent injunction, perpetually enjoining the defendants from the acts complained of.